

### **REMARKS**

The following remarks are responsive to the Non-Final Office Action mailed October 3, 2008. With this Response, claim 17 has been cancelled and claims 1, 5, 6, 31, 33 and 37 have been amended. Claims 8-14, 19-30, 34-36 and 38 have been withdrawn from consideration.

#### **35 U.S.C. §102 Rejections**

The Examiner rejected claims 1, 4, 5, 15, 16, 18, 31, 33 and 37 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,318,533 to Adams et al. ("Adams"). Applicants submit that Adams fails to teach and every element recited in the claims as amended.

With this Amendment, claim 1, 31 and 37 have been amended to include a sensor body having a housing that houses the sensor or (means for sensing in claim 31), the reservoir, the charging mechanism (means for charging in claim 31) and a fitting configured to couple a catheter body to the sensor body.

While Applicants do not agree with some of the Examiner's designations of elements of the device described in Adams, nothing in Adams shows a catheter system having a sensor housing that houses a fitting configured to couple a catheter body to the sensor body. Claim 37 as originally filed included a first fitting to couple the sensor body to a catheter body. The Examiner takes the position that Adams discloses a sensor body that may be either element 10, 24, or 26 as shown in Figures 1 and 2. Applicants respectfully disagree. The sensor (or means for sensing) of the claimed catheter system is a pressure sensor. Element 24 is a luer fitting, see Col. 3, line 48 and element 26 is a stopcock or valve connected to fitting 24 to connect the proximal end of the balloon catheter to the lumen of flexible 22, see Col. 3 lines 48-51. The pressure sensor 28 shown in Adams is shown housed by housing 12, see Col. 4, line 2. Neither elements 24 or 26 are housed within housing 12 and neither of them house a pressure sensor. The only fitting identified by the Examiner as meeting the claim limitation of original claim 37 as a first fitting to couple the sensor body to a catheter body was element 26, which fitting is not housed by the housing of the sensor body.

Therefore, Applicant respectfully submits that Adams. fails to teach a catheter system including a sensor body having a housing that houses the sensor (or means for sensing), the reservoir, the charging mechanism and a fitting configured to be coupled to a catheter body as

required for an anticipation rejection of independent claims 1, 31 and 37. For at least this reason, independent claims 1, 31, and 37 are novel over Adams. Further, because dependent claims 4, 5, 15, 16, 18, 32 & 33 directly or indirectly depend on one of independent claims 1 or 31, such dependent claims are also novel over Adams. Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

### **The 35 U.S.C. § 103 Rejection**

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of U.S. Pat. No. 4,715,378 to Pope et al. ("Pope"), claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of U.S. Pat. No. 5,195,957 to Tollini et al. ("Tollini") and claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of U.S. Pat. No. 5,577,995 to Walker et al. ("Walker"). These rejections and the assertions made in support of it are respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1970). Applicants respectfully submit that the combinations of Adams in view of Pope or Tollini do not teach or suggest all the elements of the methods recited in claims 2 and 3 or 6 and 7, respectively and, as a result, *prima facie* cases of obviousness have not been established with respect to those claims.

With respect to each of the above-referenced rejections the Examiner takes the position that Adams teaches the device of claim 1. Applicants respectfully disagree for the reasons stated above that Adams teaches the device of claim 1. Adams does not teach a sensor body having a housing that houses among other things a fitting configured to couple a catheter body to the sensor body. Nothing in Pope or Tollini shows this feature.

**CONCLUSION**

In view of the above, it is respectfully submitted that pending claims 1-7, 15, 16, 18, 31-33 and 37 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-7, 15, 16, 18, 31-33 and 37 are respectfully requested.

The Examiner is invited to contact the Applicants' representative at the below-listed telephone numbers to facilitate prosecution of this application.

Respectfully submitted,

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